

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION

IN RE:

Joseph M. Trocha

CHAPTER 13

CASE NO. 09-44464-JBR

OBJECTION TO DEBTOR'S CHAPTER 13 PLAN

Now Comes GMAC Mortgage, LLC, as servicer for Bank of America, National Association as successor by merger to LaSalle Bank National Association as Trustee for RAMP 2007RS2 ("GMAC Mortgage, LLC") and files its objection to the Debtor's Chapter 13 Plan. In support of its objection, GMAC Mortgage, LLC, as servicer for Bank of America, National Association as successor by merger to LaSalle Bank National Association as Trustee for RAMP 2007RS2 states as follows:

1. GMAC Mortgage, LLC, is the servicer for the holder of the first mortgage on the debtor's property located 794 Merrimack Street, Lowell, MA.
2. The mortgage to GMAC Mortgage, LLC is in default with a pre-petition arrearage of \$60,272.00.
3. The debtor's Chapter 13 Plan is attempting to modify the rights of GMAC Mortgage, LLC outside of the Chapter 13 Plan by fixing the interest rate and changing the monthly payment amount. GMAC Mortgage, LLC objects to such treatment as the debtor can either provide that GMAC Mortgage, LLC retains its lien and pay the value of the allowed amount of the secured claims over the term of the Plan at an agreed interest rate. Alternatively, the debtor can propose a cure and maintain plan, wherein the debtor cures the pre petition arrears through the Chapter 13 and maintains the regular monthly payments by keeping the same contract rate and making the same monthly payments per the terms of the note and mortgage. *See In Re McGregor*, 172 B.R. 718.
4. GMAC Mortgage, LLC also objects to the valuation of \$239,000.00 as proposed in the debtor's Amended Chapter 13 Plan and reserves the right to obtain its own valuation.

WHEREFORE, GMAC Mortgage, LLC, as servicer for Bank of America, National Association as successor by merger to LaSalle Bank National Association as Trustee for RAMP 2007RS2 respectfully requests that the Court deny confirmation of the debtor's Chapter 13 Plan or for such other relief as the Court deems just and proper.

Joel B. Louvett